

Town of Shrewsbury - Board of Selectmen
Richard D. Carney Municipal Office Building-Selectmen's Meeting Room
100 Maple Avenue
Monday, June 25, 2007 at 7:00 PM

Minutes

Present:

Bruce Card, Maurice DePalo, John Lebeaux, James McCaffrey, Moira Miller, and Daniel Morgado, Town Manager. Mr. DePalo called the meeting to order at 7:01pm.

Preliminaries:

1. Approve bills, payrolls and warrants, #07101 in the amount of \$706,648.08, #07101S in the amount of \$501,787.33, #07104 in the amount of \$5,554,242.38, #0801P in the amount of \$899.08, and #0802P in the amount of \$284.75. Motion made, seconded and unanimously approved.
2. Approve minutes June 4, 2007 and June 18, 2007. Motion made, seconded and unanimously approved.
3. Announcements. Mr. DePalo noted the passing of Ed Holland, retired Town Engineer; on June 16th memorial services were held last Friday which was very well attended. Ed served the Town for many years and was one of the major architects of the Town's infrastructure, water & sewer systems, and zoning to mention a few. He also served as a member of the Westborough Treatment Plant Board for many years. Ed will be missed. Mr. McCaffrey added that Ed had attended the May Town Meeting along with his son, Bob, a newly elected Town Meeting Member. Mr. Lebeaux noted that he had attended the memorial service last week and was impressed by the many engineers in attendance – those that Ed had mentored and served with as well as those whom he had done business with in government and the private sector. We are living the legacy of the work that Ed Holland did. Mr. DePalo advised that the Town had solicited proposals for the next 40B development. A meeting will be held on July 2nd with the two of the three firms that had submitted proposals: I.J. Barkin, Inc., a partnership representing the Building 19 property on Route 9 proposing apartments, commercial & retail development and AvalonBay Communities, Inc., proposing an apartment development off CenTech Blvd. The Board will meet with the third firm, Fairfield Realty on July 16th, who is proposing conversion of the Spag's warehouse on the property between Route 9, Maple Avenue & Oak Street into apartments and retail & commercial development. The public is invited but should be aware that this is not a public hearing, that will be scheduled in August. The current moratorium on 40B will be coming to an end soon and by soliciting proposals the Board is hoping to find a developer that the Town can work with. Mr. DePalo added that at a recent Workshop the Board discussed taking their meetings on the road as a way of getting the community more involved as to what is going on and opening dialogue. In no way does this format involve the Board looking for support for another Proposition 2 _ Override.
4. Town Manager's Report. Mr. Morgado advised that he had an additional New Business item for the agenda that he would like the Board to consider regarding Chapter 58 of the Acts of 2006 "An act providing access to affordable, quality, accountable, health care." He added that he would also be asking for a short Executive Session.

Meetings:

5. 7:00pm - Sign BAN Renewal – Oak Middle School, Treasurer Carolyn Marcotte. Treasurer Marcotte was present and advised the Board that she was asking them to sign a thirty day renewal for the Oak Middle School Bond Anticipation Note. Motion was made to approve the renewal of a \$1,278,307.00 5.00 percent Bond Anticipation Note of the Town dated July 6, 2007 and payable August 6, 2007 to Cede & Co. at par. Motion was seconded and unanimously voted. Mr. Lebeaux asked if anything had been settled in this matter. Mr. Morgado advised that he is still appealing but may settle soon.

Public Hearings:

6. 7:45pm - Jason J. Graveson d/b/a Graveson Transmission & Auto Repair, 152 Hartford Turnpike, Commercial Garage License. Hours of Operation: Monday-Saturday 8:00am to 5:00pm. Mr. Graveson was

present and advised the Board that he would like to move his transmission and light truck and auto repair business from Sutton to Shrewsbury. He does occasional transmission work but concentrates mostly auto and truck general repair. There will be a dumpster on site and no hazardous waste would be involved. There will not be that many vehicles on site at one time, no more than four inside and four outside maximum. Mr. DePalo noted that the property owners had specified four vehicles inside and two outside. He advised that all reports from department heads were favorable. Mr. Graveson was also advised that there was a ZBA decision relative to this location that was applicable. Mr. DePalo opened the hearing to the public seeing no comment; motion was made, seconded and unanimously voted to close the hearing. Mr. Lebeaux moved that the application of Jason Graveson d/b/a as Graveson Transmission and Auto Repair, 152 Hartford Turnpike, for a Commercial Garage License be approved for the days and hours as stated in the application. Motion was seconded and unanimously voted.

Old Business:

7. Response from Town Engineer Perreault & Police Chief Hester re Route 140 Traffic. Police Department has conducted traffic enforcement at intersections. However, not much can be done as far as speed as Route 140 is a State Highway. Police Department will continue to monitor. Resident will be advised.
8. Discussion on the Municipal Partnership Act. The Board had previously taken the position that they did not agree with several items included in the Act. If they support as is they would be endorsing legislation that they are not in full agreement and would not be in the best interests of Shrewsbury. After a discussion, The Board asked Mr. Morgado to draft a positive letter for the Board's signature supporting the concept and partnership and encouraging the exchange of thoughts between the cities and towns and state government.
9. Greater Worcester Habitat for Humanity. Mr. DePalo advised that an inquiry had been received from School Committee Vice Chairman, Marian Smith, who is involved with this group. They are looking for sites for affordable housing and are asking if there are any suitable sites the Town would consider donating for this purpose. After a discussion, the Board concluded that additional information is needed before a determination can be made. Mr. DePalo will contact the chairman for additional information.
10. Town of Walpole Selectmen re 40B Legislation. The Walpole Selectmen are asking for support for legislation to put 40B on hiatus until it can be reworked. The Board sympathizes with Walpole; however, the Board has made their position known to our legislators and will continue to pursue things in the same manner as they have been.

New Business:

11. Approve Warrant to Police Officer and/or Dog Officer. Motion was made, seconded and unanimously voted to authorize the Chairman to sign the Warrant.
12. Bartending Service of N.E., 13 West End Ave., Middleboro, MA, One Day Wine & Malt Beverages License for Sullivan, Garrity & Donnelly clambake at Donahue Rowing Center, 237 No. Quinsigamond Avenue, Tuesday, June 26, 2007 from 5:00pm to 9:00pm. Motion was made, seconded and unanimously voted to approve the application of Bartending Service of N.E. for a One Day Wine & Malt Beverages License for the day and hours as stated.
13. Board of Selectmen Committee Assignments. The Subcommittee Assignments for 2007-08 are as follows: Public Safety – Bruce Card & James McCaffrey, Public Works – Maurice DePalo & Bruce Card, Cultural, Health & Human Services – John Lebeaux, Financial & Municipal Operations – John Lebeaux & James McCaffrey, Land Use – Maurice DePalo & Moira Miller, Education – Maurice DePalo & Moira Miller, and Senior Tax Relief – Maurice DePalo & Moira Miller.
14. Shrewsbury Electric Light Department recommends one (1) 70-watt high pressure sodium light fixture to be installed on Pole 91 Clinton Street. Annual cost to the Town would be \$33.54. Motion was made, seconded and unanimously voted to approve.
15. Street Acceptances. Motion was made, seconded and unanimously voted to accept Boston Hill Circle, Clark Way, and Park Grove Lane as public streets.
16. Reappoint Constables - James Abdella, Rajoo Ananth, Robert Esposito, Brian Gerardi, John Manzi, James McDonald, and Robert McGinley – one year terms expiring on June 30, 2008. Motion was made, seconded and unanimously voted to reappoint the list of constables as presented for terms of one year expiring on June 30, 2008.

17. Sign proclamation Declaring July Smart Irrigation Month. Motion was made, seconded and unanimously voted to sign the proclamation which encourages using water wisely and is part of the Town's water conservation program.
18. Discussion of House Bill 2465. Mr. Morgado advised that this is legislation to change the rules on how unions vote; it would take away the right of secret ballot. After a discussion the Board unanimously concurred that this legislation would not be in the best interests of Shrewsbury. Mr. Morgado was asked to draft a letter to Sen. Augustus with a copy to Rep. Polito stating the Board's opposition to this legislation.
- 18a. Universal Health Law. Mr. Morgado reviewed Chapter 58 of the Acts of 2006 "An act providing access to affordable, quality, accountable, health care" which would mandate cities and towns to collect funds from employees that do not qualify for health insurance. This is an unfunded mandate the will cause the Town to incur additional record keeping and payroll processing costs in order to comply. Mr. Morgado advised that he was seeking the Board's authorization to send a letter to the State Auditor asking for a mandate determination. Motion was made to send a letter to State Auditor DeNucci asking for a determination of the financial impact of this mandate pursuant to G.L.c. 29, s. 27c. Motion was seconded and unanimously voted.

Executive Session:

19. Collective bargaining, pending litigation and value of real property. Motion was made, seconded, and unanimously voted to adjourn into executive session at 8:44pm and not to reconvene for the purpose of discussion of collective bargaining and pending litigation. The Board was polled, Mr. Card, yes, Ms. Miller, yes, Mr. McCaffrey, yes, Mr. Lebeaux, yes, and Mr. DePalo, yes.

Communications:

19. Noted copy mailed: School Committee Meeting Minutes, May 9, 2007, May 14, 2007, & May 30, 2007.
20. Noted copy mailed: E-mail from Librarian Ellen Dolan re Public Library Construction Bond Bill progress. Should know by the beginning of July if the library project is included.
21. Noted copy mailed: E-mail from Bill Yeomans, Shrewsbury Historical Society, re Mass. Tourism Grant. The Historical Society received a \$15,000 tourism grant which they are using for repairs to their building along with additional funds of their own.
22. Noted copy mailed: CMMPO Meeting Notice & Agenda, 6/13/07. Mr. DePalo advised that Grafton Street in on the TIP list for 2008.
23. Noted copy mailed: Letter from Mr. Hale to MassHighway with Police Dept. report re request for accident information at intersection of Route 140 and Colonial Drive.
24. Noted copy mailed: Notice from Sen. Paul Belsito re Joint Committee on Municipalities & Regional Government Regional Public Hearing.
25. Noted copy mailed: Letter from Nutter, McClennen & Fish re article "Chapter 40R on the Rise: Plymouth's Park is a case study in finding a smart approach to smart growth."
26. Noted copy mailed: School Committee Meeting Agenda, 6/13/07.
27. Noted copy mailed: ZBA Hearing Minutes, 6/5/07, Paul & Andrea Taylor, 34 Boylston Circle.
28. Noted copy mailed: ZBA Hearing Minutes, 6/5/07, Mark McNamara, 25 Janet Circle.
29. Noted copy mailed: ZBA Hearing Minutes, 6/5/07, John & Rosemary Tibert, 3 Smith Road.
30. Noted copy mailed: ZBA Hearing Minutes, 6/5/07, Gerald Pescaro, 16 Roberts Road.
31. Noted copy mailed: ZBA Hearing Agenda, 6/26/07.
32. Noted copy mailed: Letter from Senator Augustus re Conference Committee. Regarding Capital Plan and a couple of other projects.
33. Noted copy mailed: Street Sweeping Report – 6/13/07. Street Sweeping is completed.
34. Noted copy mailed: Sewer Commission Meeting Minutes 5/8/07.
35. Noted copy mailed: Letter from Mr. Morgado reappointing Tom Swiss to the Council on Aging for a three year term expiring 6/30/10.
36. Noted copy mailed: Request from Richard Andrus, Comcast Cable to ride through Shrewsbury for a Charity Motorcycle Ride for the Boys & Girls Clubs of New England on Sunday, August 26, 2007. Forward to Police Dept. for opinion.
37. Noted copy mailed: Notice from ABCC re Zante, Inc. d/b/a Sophie's Restaurant Offer of Compromise.

38. Noted copy mailed: Letter from Marek K. Surdyka, 69 Clinton Street, re proposed expansion of Dinky's Restaurant. Resident is opposed to expansion.
39. Noted copy mailed: Westborough Treatment Plant Board Meeting Minutes, 5/9/07.
40. Noted copy mailed: City & Town Vol. 20, No. 5 June 2007.
41. Noted copy mailed: Request from Planning Board to reappoint Melvin Gordon to the ZBA by virtue of his position as chairman of the Planning Board and to reappoint Stephan Rodolakis as an associate member of the ZBA by virtue of his position as vice-chairman of the Planning Board for terms of one year expiring 6/30/08. Motion was made, seconded and unanimously voted to reappoint Melvin Gordon as a member of the ZBA and Stephan Rodolakis as an associate member of the ZBA for terms of one year expiring June 30, 2007 by virtue of their positions as chairman and vice-chairman of the Planning Board.
42. Noted copy mailed: Planning Board officers for 2007-2008.
43. Noted copy mailed: Notice from DEP re Clean Water State Revolving Fund (CWSRF).
44. Noted copy mailed: Veolia Monthly Compliance Report, May 2007.
45. Noted copy mailed: Letter from Michael Osborn re Eagle Court of Honor for Brian Osborn. A member of the Board will attend.
46. Noted copy mailed: Letters from Mr. Morgado to residents re posting of yard sale signs on light poles.
47. Noted copy mailed: Invitation from Mass. Chief's of Police Assoc. to Automated Photo Enforcement presentation & lunch.
48. Noted copy mailed: Corporate Environmental Advisors Notice of Availability, Class A-2 RAO, 56 Lake Street.
49. Noted copy mailed: Dept. of Revenue *Room Occupancy Revenue Report for 351 Cities & Towns*.
50. Noted copy mailed: Letter from Mr. Morgado appointing Ernest Rivard to the Council on Aging for a three year term expiring on 6/30/10. This is a new appointment. The Board welcomed Mr. Rivard.
51. Noted copy mailed: Notice of Hearing from ABCC for Zante, Inc. d/b/a Sophie's, 81 Clinton Street.
52. Noted copy mailed: Letter from Sen. Augustus re S.1975 & H.3385 An Act Promoting Consumer Choice & Competition of Cable Service.

Motion was made, seconded, and unanimously voted to adjourn at 8:44pm. On a roll call vote: Mr. Card, yes, Ms. Miller, yes, Mr. McCaffrey, yes, Mr. Lebeaux, yes, and Mr. DePalo, yes.

Respectfully submitted,

Janice C. McCoy
Secretary